

721 temporary ritual privileges in the important Nambudiri-managed temples of alien kingdoms. Several times rights in such a temple were obtained by an alien ruler, and held for a period of years at the cost of repeated battles with the king within whose territory the temple stood.

643 The power of the king to command his Nayar  
701 retainers was checked by periodic assemblies  
664 of Nayars (koottams). If the king's foreign policy were disfavoured by the Nayars of a particular nad, or if their own chief failed to pay them promptly, the village military leaders, with some of their followers, assembled in a body called a nad koottam and threatened to defect to some alien ruler. This occasionally happened: cases are recorded of the defection of a whole nad from one ruler to another. Similarly within the desam, small assemblies called desa-koottams might force their policy on their local leader or stage a strike until they compelled him to pay them their dues.

692 Within the kingdom, justice was administered  
681 at several levels. First, each local caste group had its own periodic assembly of adult men to punish offences against caste law [33] and to arbitrate in small civil disputes within the caste. For the larger castes of Iravas and Pulayas the local caste group was the village: married men met periodically to arrange public ceremonies of their caste and punish offenders. These comprised chiefly wrongful interdining, small debts, thefts and assaults within the caste, and intra-caste adultery. Fines for the upkeep of the caste

- 642 shrine and temporary ostracism were the chief  
 641 punishments, but at least among Iravas, grave  
 offenders were sometimes excommunicated with  
 the consent of the janmi and sold in slavery to  
 643 Arab traders. The smaller castes of village  
 servants each had their own assemblies extend-  
 ing over a group of adjacent villages, who met  
 644 chiefly at marriages and funerals. In all of these  
 castes, the local group of the assembly, while  
 not strictly endogamous, was the group within  
 which the majority of marriages took place.
- 631 Among retainer-Nayars, the local group might  
 642 comprise either one large desam, or a group of  
 641 two to four adjacent desams when these were  
 occupied by retainer Nayars of the same sub-  
 caste. Such an area was called a tara in South  
 Malabar and a kara in Cochin, the assembly,  
 a tara-koottam or kara-yogam. The assembly  
 comprised the headmen of all Nayar property-  
 groups who met to settle intra-caste disputes,  
 adjudicate in trials of offences against caste law,  
 and arrange the public ceremonies of their com-  
 mon Bhagavadi temple. Offences such as wrong-  
 ful interdining with low caste men, small debts,  
 thefts and adultery with women of the lower pol-  
 luting castes were punished by fines paid to [34]  
 the Bhagavadi temple, or in grave cases by ex-  
 communication, and sale into slavery. Similarly  
 intra-caste offences were settled among desa-  
 varis within an assembly of the nad, and among  
 nadavaris within an assembly of the kingdom.  
 The local Nayar assembly also had power to ar-  
 bitrate in disputes and offences against the vil-  
 lage at large among the lower castes. Some

- 631 cases were carried voluntarily by low caste  
●692 disputants of different castes to the Nayar ass-  
681 embly, but this might also step in by forces in  
disputes which threatened the peace of the vil-  
lage. Punishments included beatings and fines  
[566] to the temple. However, Nayars and Nambu-  
diris had also the power of life and death over  
their serfs and might have these killed without  
recourse to a higher authority. Any Nayar had,  
for example, the right to spear at sight a Pulaya  
who accidentally touched him, refused to recede  
from his approach, or insulted a Nayar woman.
- 681 In the castes above the serfs, grave crimes  
692 were carried to the court of the king. Murder,  
sacrilege, the wounding of a cow or of a Brah-  
man, and theft from a man of "good" caste,  
were punishable by death. Brahmans and wo-  
men, however, were never officially put to death.  
Brahmans were excommunicated by their own  
assemblies, women were sold into slavery with  
the Arabs. If, however, a Nayar woman forni-  
cated with a man of lower caste (an offence le-  
gally punishable by excommunication and slavery)  
it is recorded that in fact her own brothers, with  
the tacit consent of [35] the ruler, would them-  
selves spear her to death. The death sentence  
for men of the polluting castes was impalement,  
for Nayars, spearing, and for Muslims, hang-  
ing. Unsolved civil disputes between high caste  
men and Muslims were tried in the royal court  
by ordeal, usually of boiling oil.
- 564 It is interesting to notice that the higher the  
571 caste, the wider the field of social relations.  
631 For the serfs and lower polluting castes, this

701 castes seem to have received a military training, although some,  
702 especially of the Agattu Charna caste, later became clerks (Dames,  
634 1921: 18-19; A. Gray, 1887, I: 412-413).

564 The Nayars' traditional arms were the sword, shield, lance, and  
726 the bow and arrow, although gunpowder came into increasing use  
[41] after the Portuguese arrived. Before 1500 battles were highly stylized  
[177] (cf. C. A. Menon, 1911: 56; Ayyar, 1938: 118, 171). Not more than  
10,000 were commonly brought into the field at one time. Severe loss  
of life was prevented by the employment of Brahman emissaries who,  
if fighting became intense, might enter the field and arbitrate between  
the leaders. If, however, the king or a chief were slain, his personal  
vassals had to fight to the death or until their honor was avenged by  
the slaughter of a corresponding leader on the enemy side (Logan,  
1951, I: 138).

726 Later, with the introduction of cannon and fortresses by the  
177 Europeans, battles became more frequent and devastating. The  
Zamorin mustered a total force of between 50,000 and 60,000 at  
various times in the sixteenth and seventeenth centuries against the  
ruler of Cochin (Ayyar, 1938: 169, 182). The kings had to rely in-  
creasingly on paying their soldiers in cash rather than on sporadic  
[436] feudal levies. Permanent conquest and the control of rich lands also  
became a more urgent aim of the kings as the overseas trade ex-  
panded. But the Nayar techniques of fighting and their code of honor  
persisted until British times.

564 Within each kingdom, law was administered at several levels. Each  
● 692 local caste group had its own periodic assembly of household heads  
to judge crimes (which were also sins) against the caste's religious  
laws. These included wrongful interdining and sexual relations with  
[681] members of other castes. The chief punishments were fines for the  
upkeep of the caste shrine and temporary ostracism. Grave offenders  
[567] were excommunicated with the consent of the chief. They then be-  
[438] came the property of either king or chief and were sold as slaves to  
foreign traders. In the larger castes such as Tiyyars or Pulayas the  
local caste group was often contained within the village. The smaller  
castes of village servants each had their own assemblies extending  
over a group of adjacent villages.

564 Among retainer Nayars the local caste group might comprise the  
621 Nayars of one caste within one village, within a section of a large  
village, or within a group of two to four adjacent small villages. This  
[692] area was called a *tara* in the Calicut kingdom and a *kara* in Cochin;  
[623] we shall call it a neighborhood. Its assembly was called a *tara-küttam*

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319 564

or *kara-yōgam* (Logan, 1951, I: 87-88, 132-133). The functions of intra-caste administration of the Nayar assembly are discussed later in connection with the lineage. [621] [692] [623]

The village headman, assisted by representatives from the Nayar retainers, judged small civil cases concerning debt, petty theft, or trespass. He appropriated the fines in these cases (Munro, quoted in Ayyar, 1938: 288). Individual Nayars also arbitrated in small civil disputes carried voluntarily to them by disputants within their own or the lower castes. Serfs came directly under the jurisdiction of their Nayar or Brahman masters, who had the power of life and death over them. [622] [692] [564] [566]

In the castes above the serfs, larger civil disputes and grave crimes were judged in the court of either chief or king. Chiefs' (*nāduvaris*) judicial powers varied with the size of their armies, but feudatory princes (*svārūpis*) retained complete judicial rights with power over life and death (Ayyar, 1938: 272). So also did the Brahman managers of temple estates, although they called upon some local chief to carry out their judgments. Murder, sacrilege, treason, the wounding of a cow or of a Brahman, indecent assault of a woman, and grave theft from a man of "good" caste were generally punishable by death (*ibid.*: 282). Brahmins and women, however, were never officially executed by order of the king. All offenses among Brahmins were tried by an assembly of the Brahman neighborhood, which, with the local ruler's approval, might excommunicate the offender. If a woman of any caste above serfs was convicted of a capital offense the king had the right to sell her into slavery. [692] [564] [567]

The higher the cast, the wider the field of social relations. Among the serfs and the higher polluting castes this was confined to a group of adjacent villages. Among temple servants, village headmen, and retainer Nayars (apart from their excursions in war) the field of social relations was the chiefdom. Among chiefs and royalty it was the kingdom, and among Brahmins, Kerala. [564] [571]

### Hypergamy in the Upper Castes

Each of the castes below Nayar temple menials was endogamous, as is usual in the caste system throughout India. But among the higher "clean" castes the integration of political offices and of the larger territorial units was strengthened by hypergamous marriages. By hypergamy I mean the marriage of a woman of lower caste to a man of higher caste. [564]

In discussing hypergamy it is necessary to explain the descent [564] [613]

613 were no longer sure of the name of their founding ancestress. The reason for this was that over time, a lineage was formed from the successive divisions of matrilineal households springing from an original matrilineal household. As will be seen later, a matrilineal group occupying one house and jointly owning property divided into its component major segments to form two or more new households at a definite point in its development. Each woman was potentially the ancestress of a distinct segment. However, her segment would in fact become distinct only if she had two or more daughters who themselves lived to bear daughters. If she had only one daughter this woman replaced her in the lineage structure as the ancestress of her segment, and after three or four generations the existence of one or other of these women would be forgotten.

613 However, although exact genealogical relationships tended to be forgotten after some five to seven generations, the order of segmentation within a lineage was remembered because it was relevant to the reversion of property. If a household died out, its property was divided between those segments of the same order as itself which had sprung from the next larger segment. It is for this reason that I call the clan members of one neighborhood a lineage, for their order of segmentation was known and was relevant in this limited context. As far as I am aware, those branches of a clan which left their ancestral neighborhood lost their right to claim property in the village of their origin.

613 In other ways the order of segmentation was unimportant for the structuring of intra-lineage relationships. It is true that minimal segments of a minor segment which had jointly held property a generation previously, maintained a closer sense of kinship than did more distantly related segments. But segments intermediate between the household and the lineage had no special property, activities, or ceremonies, and their members never met to the exclusion of other lineage kin. Neither were whole intermediate segments mobilized in quarrels between individuals of a lineage. Quarrels were restricted to the households of the disputants and were normally settled through appeal to a popular, unrelated arbitrator. If they became serious they were forcibly settled by the intervention of the neighborhood assembly and of the village headman.

614 As a part of the clan, the lineage was exogamous, sex relations were prohibited within it, and ritual pollution was observed by its members at a birth or death. Outside the lineage and within the clan it is doubtful whether these rules could be enforced by law. Within

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the lineage they were legally mandatory. The local caste assembly, with the backing of royal or chiefly authority, could take action against offenders. Intra-lineage incest was indeed a crime punishable by death. As a matter of courtesy, lineage members extended appropriate kinship terms to one another.

Unless it was declining in numbers and had shrunk to the proportions of a single household, the lineage was not an economic unit. Its members did not jointly own an estate and did not cooperate in the production or distribution of goods. These functions accrued to the small segment of a lineage occupying a single homestead, which I call a property group. Lineage kin were the residual heirs of a property group which died out. However, such reversion of property was rare. A property group which had no childbearing women usually adopted one or more girls from some other branch of the lineage in order to perpetuate itself.

A "commoner" lineage had no headman. Its oldest man commanded special respect but he had no legal authority over the lineage as a whole. The office of headman of the lineage existed only in village headmen's, chiefly, and royal lineages. Here the political office was theoretically vested in the eldest man of the lineage, irrespective of branch. These lineages had a somewhat different structure, discussed below.

The members of a lineage engaged in cooperative activities at two major life crises: the pre-puberty marriage rite of girls, and the funeral of a member, followed by offerings to the departed spirit on the fifteenth and sixteenth days after the death.

Both of these occasions involved the caste assembly of the neighborhood and the institution of linked lineages or *enangar*. The caste assembly comprised the eldest men (*kāranavar*) of all the property groups. It met periodically on a mound (*tara*) near the Bhagavadi temple of the neighborhood to manage the temple's affairs. It also judged offenses against the religious laws of the caste.

Each lineage was linked by hereditary ties of ceremonial cooperation to two or three other lineages of the neighborhood. These linkages were reciprocal but not exclusive. For example, lineage A might have as *enangar* B, C, and D, whereas B might have A, E, and F, and so on. A chain of such relationships therefore linked all lineages of the neighborhood.

The *enangar* were partners who offered help in a ceremonial manner at all major life crises. They stood as formal links between the lineage and the total neighborhood group, which was called the *enangu*. In

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564 formal recognition that the bereaved lineage, freed from its death  
765 pollution, had been received back into the normal social life of the  
783 caste.

613 Lineage members were also united in worship of their lineage  
776 goddess or *dharmadevi* ("goddess of moral law"). This goddess,  
794 named differently in different lineages, was a species of the common  
Nayar goddess Bhagavadi. Her idol was housed in a small shrine near  
the oldest ancestral house or sometimes in the courtyard of the village  
temple. She was believed capable of inflicting or withholding sick-  
ness and all types of misfortune. To ward them off, members  
[782] propitiated her with offerings of cooked food every year. The astrol-  
[588] oger might also advise an emergency propitiation. She had the power  
[842] to bless women of the lineage with fertility. On this account she was  
worshipped before a *tāli* rite and also at the first menstruation cere-  
monies of a girl. In a somewhat vague sense, moreover, lineage mem-  
bers appear to have felt themselves collectively responsible to the  
[753] goddess for sins or ritual lapses on the part of one of them. It was be-  
[826] lieved that if any member failed to observe the religious laws of  
[784] caste, to perform household duties correctly, or to revere the goddess,  
she might bring sickness or misfortune upon the lineage as a whole.

613 In spite of this sense of collective moral responsibility, the evidence  
681 is unclear as to whether the lineage as a whole was held legally  
564 responsible for any of its member's acts. It is true that the enangar  
were the legal representatives of the local caste unit in its relations  
with the lineage. This inter-lineage relationship was hereditary and  
obligatory. It could not be entered into or permanently broken with-  
out the consent of the assembly and the chief of the district. If,  
moreover, an individual infringed a religious law of the caste, it was  
[692] the duty of his lineage's enangar to summon a caste assembly to judge  
[823] and punish the offense. Crimes, which were also sins, against caste  
law included incest within the lineage; dining or sex relations with  
prohibited lower-caste persons; failure to perform the marriage rite  
of a girl before she reached puberty; failure to observe pollution at  
the birth or death of a lineage member or (on the part of an in-  
dividual woman) during menstruation; failure to pay dues in kind  
to the Nayar temple of the neighborhood. On being apprized of an  
offense, the assembly's first recourse was temporarily to ostracize the  
offender's household from the caste community. Ostracism meant  
that the offenders might not enter the temple, bathe in public bathing  
pools, enter the houses of other Nayars, employ the village servant

in her care particular daily tasks in connection with cooking, house-  
work, the pounding of paddy, and the tending of small children. The  
minimal unit of one woman and her own children, although having a  
special solidarity emotionally, was given very little recognition in the  
division of work. Women cooked communally in the kitchen, bathed  
and washed their own and any children's clothes in company in the  
bathing pool, and at the harvests moved in household groups to the  
fields to help the serf women of their families in cutting paddy. Nayar  
women's agricultural work, however, was subsidiary and they took no  
part in the more arduous tasks of transplanting and weeding. 613 462 [296] [243]

The women of a Nayar retainer lineage also owed services to women  
of the landlord household to which their lineage was attached. Al-  
though their lower-caste rank prevented them from touching their mis-  
tress or entering her kitchen, they swept the house, accompanied its  
womenfolk to their bathing pool, and did various household chores.  
The landlord household normally chose three or four favorites from  
among the lineages attached to them to perform these services, but  
women of any retainer household might be summoned during the  
special preparations for a feast. 613 566 357

*Authority and Responsibility* Property groups, rather than lineages,  
were the main legal units within the local caste group. Their kārana-  
vans formed the neighborhood assembly. Within the assembly, a  
kāranavan acted on behalf of his property group in managing the  
Nayar temple, settling small civil disputes in his own and lower castes,  
and adjudicating in cases of offense against Nayar religious law. 613 592 [692]

A kāranavan also represented his property group in its relations with  
its feudal lord and with higher authorities of the kingdom. We have  
seen that the property group and not the lineage held land on tenure  
from its landlord, and that although a lineage was attached to a land-  
lord by hereditary right, the landlord conducted all economic trans-  
actions separately with the head of each property group within it.  
Similarly, each kāranavan was required to represent his own property  
group in ceremonial attendance on his village landlord, the chief of  
his district, or (if he were a direct vassal of the royal lineage) his  
king, at religious festivals associated with the temples of these digni-  
taries. [423]

On behalf of his property group, a kāranavan was held legally re-  
sponsible for his juniors in most types of legal offense. He paid their  
fines from taravād funds if they were found guilty of petty theft or  
debt before the village headman or the chief. If a member of the tara-  
vād was convicted in the royal court of treason, his kāranavan and 613 592 681 [687]

613 his whole property group might be put to death. Conversely, the prop-  
592 erty group as a whole was rewarded for extraordinary military valor  
681 on the part of one of its members. In a period of conquest of a new  
[687] district, the king sometimes removed from office recalcitrant village  
[703] headmen or even chiefs of the enemy side and replaced them with  
property groups from among his own following. Again, when a sol-  
dier died fighting with exceptional bravery, his chief sometimes re-  
warded his property group with a plot of land held on a special mili-  
tary tenure, under unusually favorable terms.

As we have seen, the property group had the prime responsibility  
for an individual convicted by the neighborhood assembly of offense  
against the religious laws of caste.

613 The karanavan's day-to-day authority over his juniors was con-  
592 ferred upon him by his feudal lord, backed by the judicial authority  
681 of the king. He had the right to command and discipline all junior  
members. In cases of extreme disobedience he might inflict corporal  
● 692 punishment on the women or children, or cause a junior man of the  
taravād to do this. He seems to have had the right temporarily to  
expel from the household and to deny maintenance to junior men who  
insulted or disobeyed him. As manager of the estate he also had dis-  
ciplinary rights over the taravād's tenants. In serious matters the ten-  
ants had recourse to the village headman, perhaps to the chief, but  
their own master settled minor disputes among them and fined them  
for small offenses. In law a karanavan appears to have had complete  
rights of life and death over his property group's serfs. A very few  
cases are recorded of his exercising it to the full. More common are  
the stories of extraordinary loyalty between serf and master, especially  
of serfs who died fighting to defend their lords' homes. Their spirits  
were rewarded with a place in the taravād's ancestral shrine.

613 It is clear that whatever his *de jure* authority, the karanavan's *de*  
592 *facto* authority was greater over women and children than over junior  
681 men, who were often absent on military service. It seems probable  
692 that at these times soldiers came under the direct legal control of  
703 officers of the kingdom and that in at least some contexts their prop-  
erty groups were not held responsible for them. We know for example  
that if a Nayar soldier murdered another he was tried in the court of  
the king or of a feudatory prince and, if convicted, was executed  
promptly by four or five of his peers, presumably without his property  
group being consulted or punished. Thieves caught within the bound-  
aries of coastal towns seem to have been similarly dealt with (Bar-  
bosa, 1518, quoted in Ayyar, 1938: 284-286). It may be that their

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property groups were held legally responsible for Nayar men only when they committed high treason or when they became engaged in disputes and offenses within the neighborhood of their birth.

It seems probable that the karanavan's powers over his juniors and over their property were limited by the codification of law which came about during British rule (Aiyar, 1922: 33-132). It is not clear whether he could traditionally alienate land without the consent of other adults of the taravād; during British rule he could not. British law also permitted appeal to the court by junior members for the removal of a karanavan who could be shown guilty of gross mismanagement. He could then be set aside in favor of his immediate junior. An inefficient karanavan could moreover be forced by the court to maintain accounts of his income and expenditure. Since 1933 in Malabar District and 1938 in Cochin, all karanavans have been legally obliged to do this and to make available their accounts for inspection by junior members once a year, as provided in the Madras Marumakkattayam (Matriliny) Act, 1933, and the Cochin Nayar Act, 1938. However, few juniors avail themselves of this right, which is evidently repugnant to the traditional ideals of obedience and trust toward elders of the taravād.

Even traditionally, however, both junior men and women were often consulted in the management of the group's affairs. If a dispute arose between minimal segments of the taravād it was common for appeal to be made to an arbitrator of the caste from outside the lineage. The settlement agreed upon would be embodied in a document called a *kārār*, which legally bound all adult members. In large taravāds the allocation of separate houses and sometimes even of separate land to each segment was usually embodied in a *kārār*. All land continued to be managed by the karanavan, but he paid a sum of paddy each year to the senior woman of each household from the land allotted to her segment.

*Kārārs* were, however, common only in village headmen's, chiefly, and royal property groups. Too little property was usually involved in the case of retainer Nayars, among whom effective daily management was divided between the karanavan and the oldest woman. As we have seen, the former carried out all formal transactions outside the group, controlled the estate *in toto*, and disciplined men and boys. The latter organized feminine tasks and held more informal authority over women and small children. When the karanavan was the son or younger brother of the eldest woman, management usually ran particularly smoothly. The oldest woman might indeed be *de facto* head

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marks that "When a high-caste Nayar becomes ripe, he turns into a king."

Low productivity and poor communications perhaps made the exaction of tribute more difficult than in Central Kerala, and this fact, plus the uncertain nature of trade, made the local rulers perennially short of funds. This is probably the reason why, although they were trained for warfare in gymnasia in their villages, Nayars were not regularly conscripted into a national army. Instead, they merely fought sporadically on behalf of local chiefs. Further, chiefs and village headmen were insufficiently strong to bring all the land under their control. Their domains were larger than those of Nayar commoners, but most commoner Nayar property groups were independent small landlords in their own right within their villages. Since they were not full-time warriors and since in many areas they had no serfs, Nayar commoners also did part of their own cultivation on their small estates. Part of their land, however, they leased to Tiyyar tenants as in Central Kerala. The polluting castes of village servants had the same rights and spatial distribution as in Central Kerala. In general, the economic processes of reciprocity and redistribution in villages proceeded in a comparable manner.

As independent warrior-cultivators, the Nayar commoners were not divided into separate castes of retainers owing allegiance as vassals and *kānam* tenants to different kinds of lords. Most villages were nominally under Nayar village headmen. In villages of the Kottayam and Kadattunad kingdoms, both the headman's lineage and those of the Nayar commoners belonged to a large caste called Nambiar, who appear to have intermarried throughout the kingdom. Although of the same general caste as commoners, and not forbidden by religious law from intermarrying equally with commoners, Nambiar village headmen's lineages tended, however, to intermarry only with each other or to take wives only from the commoners, occasionally giving their own women in marriage to chiefs or Brahmans. Chiefs claimed a higher caste rank as Samantan Nambiar, and royalty as Kshattriyas. These aristocratic lineages conducted hypergamous marriages with each other and with Nambudiris as in Central Kerala.

Judicial processes were somewhat less centralized than in the Central kingdoms. At least in theory, grave crimes and civil disputes in urban centers seem to have been tried in royal courts, but most civil disputes inland were apparently tried by local chiefs. Under the chiefs, caste assemblies of neighborhoods took care of crimes against religious law as in the Central kingdoms. Murder among Nayars

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613 *kāranavan's* death, his adopted successor was too young to manage the property. This  
782 passed temporarily into the management of a man from still another branch of the  
597 same lineage. When the true claimant came of age he disputed his guardian's manage-  
429 ment. After a bitter lawsuit the guardian was deposed in a British court. He continued  
[578] to live on the *taravād's* land and to harass his young successor. When the guardian  
[753] died, the young *kāranavan* in his anger failed to arrange for the cremation rites until  
several days had passed and the corpse had decomposed. The ghost of this proxy  
*kāranavan* has harassed his successors ever since, causing many of them to die of  
diabetes. The present members regard this condition as a decomposition of the body  
during life. The ghost's anger is so great that propitiations do not wholly avert its  
vengeance, although special offerings temporarily delay the progress of the disease.

769 The misfortunes inflicted by lineage ghosts include many forms of sickness, mental  
613 disorder, female barrenness and miscarriages, all of which are attributed to actual  
776 bodily possession by a ghost. Financial loss, crop failure and the deaths of babies or  
753 cows may also result from the ghosts' displeasure. I could find no very clear distinction  
761 between the misfortunes inflicted by lineage ghosts and those brought about by the  
787 patron goddess, by malevolent alien ghosts, or by the witchcraft or sorcery of enemies.  
Indeed it is obvious that the Nāyars themselves do not clearly restrict particular  
misfortunes to particular agents. For on the occasion of a misfortune, the *kāranavan*  
must often consult the village astrologer (*Kanisan*) who makes calculations to discover  
the responsible agent. He then instructs the *kāranavan* how to carry out its propitiation  
or to accomplish its control.

776 However, my information suggests that some misfortunes may be more likely to  
769 be attributed to some agents than to others. Miscarriages, for example, seem to be  
[843] often attributed to ancestresses, to female alien ghosts, or to the patron goddess.  
[842] Barrenness is often attributed to the snake gods of the *taravād*, who are believed to  
guard the fertility of its women. These misfortunes seem to be less often attributed  
to male ghosts, although some instances are known. Perhaps most important, however,  
circumstances immediately preceding the misfortune may help to determine the  
agent. If a forebear has died recently, or if a *taravād* has failed to propitiate its lineage  
ghosts or patron goddess, the *kāranavan* may not even trouble to consult the astrologer,  
or the astrologer may merely corroborate his suspicions. Similarly, if a man has an  
[754] enemy with whom he has recently quarreled and then himself falls ill with fever, he  
is like to assume that the enemy has engaged the services of a witch or sorcerer against  
him. In small villages whose population is stable, moreover, the astrologer makes it  
his business to know the affairs of his clients and thus to diagnose appropriate causes  
for their misfortunes.

• 692 *Sociological analysis.* A satisfactory analysis of the functions of lineage ghosts  
[796] must take into account those of other supernatural agents and of secular authorities.  
[784] Among the Nāyars, supernatural agents have played only a minor role in punishing  
offences against men, as distinct from those against themselves. This is undoubtedly  
because human authorities of various kinds had strong judicial functions, deriving  
from their incorporation in a kingdom. In the last analysis their authority was backed  
by the military power of the king or chief. Among Nāyars, civil disputes were tried  
by village headman or district chief. Certain major crimes against the kingdom's  
[688] religious laws were tried in the Raja's court. They included the killing of a cow or a  
Brahman or fornication with lower caste persons. The killing or assault of a Nayar

The Killing or <sup>Cults of the Dead Among the Nāyars</sup> assault of a Nāyār

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outside the lineage led to feuds between lineages or between larger territorial units. In Cochin, the king had more power than in Kottayam to curtail such feuds or confine them to organized duels for which a fee must be paid. Minor offences against caste law, such as dining with low caste persons, were tried by the subcaste assembly of the village and resulted in temporary excommunication of the offender's property group and the payment of a fine to the village goddess's temple.

The *kāranavan* had the legal right to punish offences within the property group and also those offences against caste law for which the caste held the property group responsible until justice had been done. Incest and murder within the lineage appear to have been punished by expulsion from the *taravād* by the *kāranavan* and from the caste by the caste assembly. In cases of grave insubordination by a junior member, the *kāranavan* had the right to deny him maintenance or access to the ancestral house until he mended his behavior.

Thus the supernatural agents of the village and the *taravād* primarily acted to force the human authorities to carry out their judicial duties. If, for example, the caste failed to excommunicate the *taravād* of an individual who had sinned against its religious laws, it was believed that the village goddess would strike the village with epidemic, flood, or some such misfortune. Similarly, if incest within the lineage went undetected or unpunished, the lineage ghosts and the patron goddess might cause the offenders to die or might bring misfortune on the *taravād* as a whole.

The fact that any member of the *taravād* may suffer as a result of the misdemeanors of any other, carries into the realm of supernatural sanctions the collective responsibility of the *taravād* in social and legal affairs. If a man breaks a ritual rule of the caste, his whole *taravād* is polluted and liable for excommunication. If a death or birth occurs, the whole lineage is temporarily polluted and excluded from normal social life. At the back of these norms lies the fact that the *taravād* is an economic and legal corporation. Its property is owned jointly, and the *taravād* is responsible for the debts of any one member. Its male members must support each other in feuds against other lineages. It is not surprising that the concept of being members one of another in secular affairs is projected into the realm of mystical retributions.

The points at which supernatural agents might replace, or act instead of, human authorities, appear to have been those where a subordinate was wronged by one who was himself a powerful authority and could manipulate the law. Thus lineage ghosts were probably particularly effective in punishing or setting to rights misdemeanors of the *kāranavan* himself. I am uncertain whether, in traditional law, junior members could sue in court for the deposition of an erring *kāranavan*. They certainly possessed this right in British law, but even so, it was very difficult before 1933 to get rid of a *kāranavan*. The lineage ghosts appear to have provided important sanctions against a *kāranavan*'s misdoings, for they brought misfortune on a *taravād* whose *kāranavan* disgraced its reputation for hospitality or squandered its property. I was told that the former custom by which a junior member might be possessed by a ghost and voice its threats to the *taravād* added force to the complaints of young men who were cheated by their *kāranavans*. The fact that only the *kāranavan* may propitiate the lineage ghosts points up both his responsibility to the ghosts to ensure good conduct and prosperity in his *taravād*, and also his responsibility to his juniors to ensure the favor of the ghosts.

I have myself recorded no case in which lineage ghosts were believed to have actually prevented a crime on the part of a *kāranavan*, as distinct from punishing one. V. K.

48

E. KATHLEEN GOUGH

Among Nambūdiri only the eldest son of the patrilineal family might take one or more wives from his caste and beget children for his family. Younger sons might form liaisons only with Nayar women, their children being Nayar by matrilineal descent. Nambūdiri younger sons, like unmarried Nambūdiri women (of whom there were many), had rights to maintenance from the ancestral estate but might not divide the property. These customs ensured the stability of the Nambūdiri estate by preventing it from increasing in numbers and splitting into segments.

In all the matrilineal castes the husband, whether alone or of a group, had none but sexual rights in his wife and few economic obligations. Sex-relations were called *sambandham* ('joining together'), and were initiated without religious rites. On his first visit the lover customarily presented the woman with a loin-cloth before her matrilineal kin. He might also place a sovereign under the pillow before leaving next morning, but neither gift was obligatory. When a woman became pregnant, she must name one or more men of appropriate sub-caste as possible fathers: this vindicated her from the charge of cohabitation with a low-caste man. The men named must jointly meet the expenses of her delivery; their payment of this sum to the barber-midwife was a public acknowledgment that the child had been licitly begotten by a man of correct sub-caste. In addition, her lovers provided a woman with bathing-oil, clothing, and ceremonial gifts of vegetables at the three main festivals of the year. These payments were a sign of their continued association with her. Beyond this, a lover had no obligations to his mistress; either of them might stop cohabitation at will.

With polyandrous unions, the physiological fatherhood of a child was often unknown. Even when known, the father had no rights in nor obligations to his children. All the current lovers of the mother were called *ackan* (father) but kinship terms were not extended to their lineage-kin. Though he might play with his children, the father might not dispute their *Adranadan's* authority. In hypergamous unions, the higher caste father might not eat in the house of his mistress, and, after taking a bath in the morning, might not touch her nor her children.

*The Nayar Tali-Rite.* Though the first *sambandham* of a girl began without ceremony shortly before or after puberty, she must before puberty go through the *talikettukalyānam*. This was collectively conducted by the lineage every ten to twelve years for all its immature girls. If a girl matured before the rite was performed, she must theoretically be cast out by her lineage and banished from her village. In fact, my informants said that in this event, the first menstruation (normally marked by public rites) would be kept secret by the lineage until after the *tali*-rite could be performed.

The central rite of this ceremony was, as in the ordinary marriage of Tamil patrilineal castes and of the Nambūdiris, the tying of a gold ornament (*tali*) strung on a thread of white silk, round the neck of the girl by a ritual bridegroom (*manavalan*).

In the retainer sub-castes the Nayar lineages of a village, or in some cases of a group of villages, formed a local sub-caste group (*tara*). Each lineage was linked by ties of ritual co-operation to two or more other lineages of the group. These linked lineages were called *enagar*. *Enagar* relations were reciprocal but not exclusive, so that in a group of eight lineages, lineage A might be *enagar* to B, C, D, and F; B to A, E, and F; C to A, H, and G; E to B, H, and G; F only to A and B; and H to E, D, and C. A chain of *enagar* relationships thus indirectly linked all lineages of the local sub-caste group. *Enagar* lineages must send representatives to ceremonies of the linked lineage, e.g. the termination of birth and death pollutions and the first menstruation of a girl. *Enagar* must also take note of breaches of caste law by members of their linked lineages and report such culprits for trial by the *tara* assembly. They were thus the formal links between a lineage and its assembly: they represented the local sub-caste group (called the *enangu*) to the individual lineages. In ceremonies, they played

rights. Thus did these *küttams* (assemblies) exercise a whole-  
some influence, and act as a powerful check upon the rulers  
and ministers of the middle ages.<sup>1</sup> They also dealt with wider  
questions of castes and other matters affecting the welfare of  
the people. In former times there were also minor councils  
of *Pramdnia* or leaders of the people in every *Desam* exercising  
similar social functions. A survival of this system even now  
exists in every village, and their deliberations and decisions  
upon social matters and caste disputes have great weight. In  
important matters such as the outcasting of a member of the  
caste, etc., His Highness the Raja who has always been the  
social as well as the political head of the State would deliberate  
upon them with the help of the Brahman *vaidiks*, and his deci-  
sions become final. The individual who is placed under a ban  
is prohibited from entering any temple, bathing in the public  
tanks, and is, in short, ostracised.

The Rajas were in former times the fountain of all justice,  
but were assisted by *Karyakkars* or ministers  
and Brahmins in administering it. All caste  
disputes and offences were left to the caste assemblies to deal  
with, while civil disputes were either left to the arbitration of  
the caste assemblies or of three or four prominent men. There  
was no written code, but the punishments assigned by custom  
fitted the crimes, and they varied with the status of the caste  
and of the person. The nobles enjoyed the privilege of freedom  
from confinement. The Brahmins and women were never  
put to death; the former were punished for grave offences by  
loss of caste and banishment, and the latter by being sold as  
slaves. The punishment of death was reserved for such heinous  
offences as sacrilege, the wilful murder of a Brahman or a  
cow. The following is a summary of the account given by  
Duarte Barbosa, pp. 116—117, regarding the methods of dealing  
with criminals and the nature of the punishments inflicted on  
them in former times:—When any member of a low caste com-  
mitted robbery about which a complaint had been made to the  
king or the governor, orders were issued for his apprehension, and  
if he was caught and he confessed his guilt, he was generally  
impaled. His head was severed, and the body being placed  
on its back, the arms and legs were fastened with ropes to four  
posts, while the multitude to show their contempt spat upon it.  
If, however, the malefactor was a Moor, he was beheaded. The

1. Letters from Malabar by J. C. Visscher, pages 76-77.

*Ucharal* is the date on which all agricultural leases should expire, and demand for surrender of property should not be made at any other time, but the courts, by a liberal interpretation, have extended the term up to the day of *Vishu*. Special *Ucharal* festivals are held at Cherpulasseri in the Walluvanad Taluk and near Shoranur, at which straw models of cattle are taken in procession to the temples of Bhagavati.

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## NĀYAR

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[875] It was the Panikkars who kept kalaris, or gymnastic and military schools, but in modern times many Panikkars have taken to the teaching of letters. Some are entirely devoted to temple service, and are consequently regarded as belonging to a division of Mārans, rather than of Nāyars. The title Kaimal is derived from kai, hand, signifying power. In former times, some Kaimals were recognised chieftains, e.g., the Kaimal of Vaikkattillam in North Travancore. Others were in charge of the royal treasury, which, according to custom, could not be seen even by the kings except in their presence. "Neither could they," Barbosa writes, "take anything out of the treasury without a great necessity, and by the counsel of this person and certain others." The titles Unnithan and Valiyathan were owned by certain families in Central Travancore, which were wealthy and powerful.

• [692] They were to some extent self-constituted justices of the peace, and settled all ordinary disputes arising in the kara where they dwelt. The title Menavan, or Menon, means a superior person, and is derived from mel, above, and avan he. The recipient of the title held it for his lifetime, or it was bestowed in perpetuity on his family, according to the amount of money paid down as atiyara. As soon as an individual was made a Menon, he was presented with an ola (palmyra leaf for writing on) and an iron style as symbols of the office of accountant, which he was expected to fill. In British Malabar even now

[451] every amsam or revenue village has an accountant or writer called Menon. The title Menokki, meaning one who looks over or superintends, is found only in British Malabar, as it was exclusively a creation of the Zamorin. [They are, I gather, accountants in temples.]

564 "There are numerous sub-divisions comprised under the general head Nāyar, of which the most important,

morning and evening and also in the leisure hours of the noon. I have often noted with interest the way in which even apparently illiterate people discuss among themselves the philosophy of life as preached in the Hindu sastras. 638

*Village administration.*—Panchayats were only introduced into the State in 1913. His Highness granted it as one of his boons during the celebration of his sixtieth birthday. "It is also my wish to revive, in commemoration of this occasion, the old village panchayat system which, I trust, will give facilities to the people to settle several matters of each village easily and quickly amongst themselves and give them some training in the art of self-government. It may also afford them better opportunities of representing their wants and grievances to the Darbar." With this Proclamation of His Highness the Raja begins the definition of the constitution and powers of the Village Panchayat Regulation. 623

*Constitution.*—Five members of whom the chief village officer of a revenue village (called locally "Parvathiakaran") is an ex-officio member. The rest are now nominated. It meets at least once a month.

#### POWERS.

I. *Administrative.*—(1) Maintenance and repairs of all minor irrigation works (i.e., works which do not require professional skill) below the cost of Rs. 500.

- (2) Maintenance of road avenues.
- (3) Maintenance of water-sheds.
- (4) Prevention of epidemic diseases.
- (5) Clearing and repairing of public wells and tanks.
- (6) Formation of Co-operative Credit Societies.
- (7) Improvement of public lanes and canals.

II. *Judicial.*—Civil disputes up to Rs. 50 with or without the consent of the parties, and up to Rs. 200 with the consent of the parties. 692

The judicial portion of the Regulation is still in abeyance and has not been brought into force in any panchayat in the State.

Even the administrative portion is applied only in three places in the taluk, since the rest have not sufficiently responded to the scheme. Watakancheri is still without a panchayat, though it is the headquarters of the taluk. 623

For executive work every taluk is under the direct administrative supervision of a Tahsildar (Revenue officer) who is also the Chief Treasury Officer. Until recently he was also a Magistrate, but this function is definitely taken away from him. Below him are Revenue Inspectors and village officers. The taluk in question, which has 74 villages, has 4 Revenue officers and more than 30 village officers. Watakancheri with an adjoining village is under a "Parvathiakaran" who collects the revenue and who has a clerk under him. This "Parvathiakaran" is paid Rs. 12 per month and his clerk Rs. 9. The revenue inspector supervises the survey work and collection work, and checks the village accounts. There are also a Munsif's Court and a Magistrate's Court in the village for the settlement of civil and criminal disputes. 631 [692]

Each taluk in the State has, as a rule, one Sanitary Inspector. The village officers should bring to the notice of the Sanitary 744

for Brahmans as a whole, and the performance of *puja* during one month in a year. 476

The two elected administrators spend the money as explained above, keep the accounts, and are responsible for the whole income. This organization is seen throughout the Brahman community in Malabar. It may be regarded as a survival of the village communal organization, the political functions of which disappeared with the advent of British rule. 794

The lower classes have appointed a family to settle caste questions and questions of excommunication, adultery, etc., and this family has been exercising this power from time immemorial. The family still holds the power and the verdict which the head-man of the family pronounces about such questions is tacitly accepted by all. 692

Religious festivals are performed by the temple, and the temple *in practice* belongs to the Zamorin. It is managed by the Court of Wards at the present time, along with the Zamorin's estate. The income of the temple is the offerings of the devotees who chiefly come from distant places. The festivals which the temple performs will in a year cost more than Rs. 2,000. In addition offerings to the temple from the village itself will amount to more than Rs. 3,000. 794

The above statements of indebtedness, communal income, etc., are based on careful inquiry with well-known persons and the village munsif, and are given in round numbers as accurately as possible.

*Sanitary condition.*—Malaria, plague, cholera, smallpox and consumption are absent from the village. 164

The ordinary diseases of the village are fever, dysentery, elephantiasis and such like diseases. Infantile mortality is high. Out of 156 deaths 87 are infant deaths. The deaths are high among the poor, particularly the Hindu poor. It may be people cannot afford to bring up their children decently. The mothers must work for the maintenance of the family before many days have passed after child-birth. I know of a Tiyya family in which seven out of eleven children born died before they were three years old. Moreover they cannot afford medical help and they implore God to help them and resort to quack doctors. The prevalence of early marriage may be cited as one of the causes for physical deterioration. But the most potent cause especially in the case of the higher classes is the ignorance of the mothers. Domestic hygiene is a sealed book for them. Their habits are not quite sanitary. [515]

There are no venomous snakes.

There is a hospital very near the village. But the chief medical help is from the native doctors who practise privately. There are two great medical experts in the native system but there are also a large number of quacks. The experts have a tremendous business but the quacks do some injury too. 759

Wearing unclean \* cloths, not keeping the house neat, using the same plate for food for the whole family, are some of the insanitary habits of the poor and the lower classes. But the higher classes are very neat and Malabar is famous for its neatness. People bathe every day. 515

\* [I.e., unclean according to the Malabar standard of cleanliness, which is very high. —Ed.]

622 initiate everything for the village, but the final sanction of his proposals rests with the Collector.

631 Above the village munsif is the Revenue Inspector who looks after the work of four or five village headmen. He has revenue functions only. For other purposes the Magistrate is the immediate superior of the *adhigari*. Next comes the Tahsildar, then the Sub-Collector, then the Collector.

692 Criminal cases are tried by the Magistrate. The Civil and Criminal Courts are situated in the village itself.

• A story is told in the village that a poor agricultural man was asked by another, when the Collector had come to the village in one of his tours, whether the Collector or the *adhigari* was the superior officer. He replied, "I don't know, but the *adhigari* is richer, since he receives money yearly from us." The *adhigari's* pay is only Rs. 7 per mensem.\*

The jurisdiction of the *adhigari* with regard to the criminal cases lies only in cases of petty thefts and nuisances, and in civil matters when the amount under dispute does not exceed Rs. 50.

*Panchayat*.—There is a judicial panchayat for civil cases in which the amount under dispute does not exceed Rs. 50, or Rs. 200 if both the parties agree. This was introduced three years ago as a tentative measure, but it has proved a success in spite of its drawbacks. The jurisdiction of the panchayat courts extends to four or five villages; and the personnel of the court is a non-official president nominated by the Government and the *adhigaris* of the villages. Nearly 500 civil suits of a minor character were tried last year. The introduction of this system in small cases has caused enormous saving to the parties since the expenditure is small. There is no necessity for a stamped paper, etc. This institution is an advance in the right direction, but the personnel needs change, since they are all the Government representatives and consequently the people have no part to play in the constitution of the court.

364 There is no administration of sanitation. It is left to take care of itself. In theory there is a rule that the roads must be swept once a day and some coolies are appointed for the purpose, but the work is practically neglected on account of lack of supervision.

625 There is a Sub-Inspector of Police and under him a head constable and constables. The people can easily get the help of the police.

691 A large percentage of population is engaged in litigation. There are three reasons:—(1) The Muhammadans are addicted to litigation with regard to the partition of their property. In fact no partition takes place without having recourse to courts. (2) The peculiarity of land tenure has been already described. (3) The indebtedness of the poor and their inability to pay. The result is the majority of the population are litigants.

627 Sometimes compromises are arranged by a gentleman in whom both the parties have faith. There is no compromise committee for the purpose, but the people fearing the expenses of the law courts sometimes settle matters among themselves by means of a third person. Such cases are rare.

\* The point of this story is that, in the Madras Presidency the Collector is the chief District officer. The Collector of Malabar, for example, rules over a population of close on three million people, subject to the Government in Madras.—Ed.]

Besides the English books belonging to the English-speaking 213  
brothers, 12 other families own a total number of 16 vernacular  
(paper) books. They are all puranic stories. There are 30 palm-  
leaf manuscripts in all, which either are puranic stories or deal with  
such subjects as conjuring and black arts. There are also some  
Vedic manuscripts in the family of the jenmi.

*Village administration.*—There is no panchayat. The village 624  
has a Government official "Adhikari" who collects the revenue.  
He has also given a little civil and criminal authority which how-  
ever is rarely made use of. There is another official "Menon" who  
is the surveyor and assessor of taxes on lands, etc.

There is practically no sanitary administration. Sometimes [51]  
a vaccinator visits the country and gets some children vaccinated.  
There is a Police station at Chalisseri which has jurisdiction 625  
over this place. Weekly or monthly one constable pays a visit  
and makes a report that the king's peace is kept scrupulously.

The Tahsildar or the Revenue Inspector or a Land Records  
Inspector may sometimes pay a visit to the amsam officials, but he  
sees none of the people.

For some time past, thefts have been increasing in this desam. 674  
A few youths, born and bred up in rank illiteracy, are straying  
away from the path of righteousness, and the poor man's property  
is becoming insecure. Recently this has come to the notice of  
the police and they have begun to have a watchful eye over  
some of them. But none of these have been yet of a serious nature.

There are a small number of law-suits against the ryots by 691  
the jenmis at all times, but over and above this there is not much  
litigation. But recently however there arose two law suits between  
ryots which were the result of bad blood and high words.

Small cases were dealt with satisfactorily by the village munsif [692] •  
this year.

*History and prospects of the village.*—Centuries ago, as far back 174  
as 1,800 years, this desam must have formed a part of the famous  
division of Kutnad. The name of the once historic land of Kutnad, [103]  
which at one time covered the whole of the Mid-Kerala, is now  
confined to the little desam that lies contiguous to Kothachira.  
The ruins still traceable on the plains below the Kutnad hill, of  
temples and a fortress, and the large number of ruined walls seen  
in the vicinity, suggest the existence of a flourishing city in this  
spot in the past.

But about Kothachira in the more recent past. The country  
must at one time have been governed by local chieftains from  
whose hands the Brahman jenmis who now hold the lands got them  
with the advent of the age of Brahmanic dominance. There are  
families which still hold the name of "Naduvashis," i.e., the  
governors of the country, who are now labourers and landless  
ryots. They still cling with faith and reverence to their old tradi-  
tions and ceremonial forms which they practised when they were  
masters of the country.

But within the past few generations itself there has been a 178  
great economic change noticeable. There are old men still living  
who can attest to the state of things thirty or forty years ago. From  
them, we hear the rise and fall of some of the families. Those